

**ASSEMBLY BILL**

**No. 1247**

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**Introduced by Assembly Member Aghazarian**

February 21, 2003

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An act to amend Section 25247 of the Health and Safety Code relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1247, as introduced, Aghazarian. Hazardous waste facility: postclosure.

(1) Existing law requires the owner or operator of a hazardous waste facility to submit a hazardous waste facility closure and postclosure plan to the Department of Toxic Substances Control and to the California regional water quality control board for the region in which the facility is located. The department is required to review the plan and to approve the plan if the department makes specified findings. A violation of the hazardous waste control law, including any requirements issued or adopted pursuant to the hazardous waste control law, is a crime.

This bill would require the department to allow the public a meaningful opportunity to comment upon a proposed hazardous waste facility closure and postclosure plan before the department initially approves the plan and before the department makes any significant changes to an approved plan.

This bill would authorize the department to approve the hazardous waste facility closure and postclosure plans by issuing a postclosure permit, issuing an enforceable order, or entering into an enforceable agreement. The bill would require the enforcement order or agreement to impose all applicable requirements and assure compliance with the

California Environmental Quality Act at the time the proposed remedial action or plan is approved for the facility. The bill would require the owner or operator who submits the plan for approval and who is issued an enforceable order or enters into an enforceable agreement to pay specified fees to reimburse the department for its costs.

Because a violation of the bill's requirements would be a crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 25247 of the Health and Safety Code is  
2 amended to read:  
3 25247. (a) The department shall review each plan submitted  
4 pursuant to Section 25246 and shall approve the plan *by issuing a*  
5 *postclosure permit, issuing an enforceable order, or entering into*  
6 *an enforceable agreement*, if it finds that the plan complies with  
7 the regulations adopted by the department and complies with all  
8 other applicable state and federal regulations.  
9 (b) The department shall not approve the plan until *the*  
10 *department complies with subdivision (d) and* at least one of the  
11 following occurs:  
12 (1) The plan has been approved pursuant to Section 13227 of  
13 the Water Code.  
14 (2) Sixty days expire after the owner or operator of an interim  
15 status facility complies with Section 25246. If the department  
16 denies approval of a plan for an interim status facility, this 60-day  
17 period shall not begin until the owner or operator resubmits the  
18 plan in compliance with Section 25246.  
19 (3) The director finds that immediate approval of the plan is  
20 necessary to protect public health, safety, or the environment.  
21 (c) Any action taken by the department pursuant to this section  
22 is subject to Section 25204.5.



1 (d) The department shall allow the public a meaningful  
2 opportunity to comment upon a proposed hazardous waste facility  
3 closure and postclosure plan before the department initially  
4 approves the plan and before the department makes any significant  
5 changes to an approved hazardous waste facility closure and  
6 postclosure plan.

7 (e) (1) If the department approves a hazardous waste facility  
8 closure and postclosure plan, the department may authorize the  
9 owner or operator of a facility to obtain an enforcement order or  
10 enter into an enforceable agreement, in lieu of obtaining a  
11 postclosure permit. The enforcement order or agreement shall  
12 impose all applicable requirements and shall assure compliance  
13 with the California Environmental Quality Act (Division 13  
14 commencing with Section 21000) of the Public Resources Code)  
15 at the time the proposed remedial action plan or closure and  
16 postclosure plan is approved for the facility.

17 (2) This subdivision does not limit or delay the authority of the  
18 department to order any action necessary at a facility to protect  
19 public health or safety.

20 (3) If the department approves a hazardous waste facility  
21 closure and postclosure plan in the form of an enforceable order  
22 or agreement, in lieu of issuing a postclosure permit, the owner or  
23 operator who submits the plan for approval shall pay the same fee  
24 specified in subparagraph (F) of paragraph (1) of subdivision (d)  
25 of Section 25205.7, and upon commencement of the postclosure  
26 period, shall pay the fee required by paragraph (9) of subdivision  
27 (c) of Section 25205.4.

28 SEC. 2. No reimbursement is required by this act pursuant to  
29 Section 6 of Article XIII B of the California Constitution because  
30 the only costs that may be incurred by a local agency or school  
31 district will be incurred because this act creates a new crime or  
32 infraction, eliminates a crime or infraction, or changes the penalty  
33 for a crime or infraction, within the meaning of Section 17556 of  
34 the Government Code, or changes the definition of a crime within  
35 the meaning of Section 6 of Article XIII B of the California  
36 Constitution.

